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10/598,627	06/13/2007	Matti Puputti	042933/315610	8155

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EXAMINER	
LE, RONG	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,627	PUPUTTI, MATTI	
	Examiner	Art Unit	
	RONG LE	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-31* is/are pending in the application.

4a) Of the above claim(s) *1-15 and 32-35* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/06/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's have amended independent claims 27 and 31 of GROUP III to include features more akin to those of claim 16 and 24 of Group II. By virtue of these amendments, the examiner agrees that the submitted Group II (claims 16-26) and Group III (claims 27-31) should merge and will be examined together. Group I (claims 1-15, and 32-34), are withdrawn from consideration.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-20, and 24-26, are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki, (EP 0 975 109 A1).

Regarding claim 16, in FIG 1 & 6, paragraphs 10 -12, and 55, Suzuki discloses a digital broadcast receiver apparatus consisting of a front end unit, which reads on (the input module) for receiving the transport stream, a transport decoding unit for extracting the transmission schedule information, which reads on (control message). The transmission schedule information which is sent earlier in time than the utilization data itself, includes multiple pieces of information including, the receiver identifier, and the transmission time the utilization data is to be transmitted. Suzuki further discloses a CPU 64, which reads

on (the selective activation module) having control means which controls the power supply to the Front end 61, the transport decoder 62 and the AVD 63 according to the preinform table.

It is inherent that the transmission schedule information on the preinform table will only inform of utilization data for a certain period out in the future, and for further information different transmission schedule messages will have to be sent periodically.

Regarding claim 17, in paragraph 12, 55, and FIG 6 Suzuki further discloses the transport decoding unit 62 having extractors 62a-62c which reads on (processor module) that extracts the transmission times from the preinform table amongst other information.

Regarding claim 18, in paragraphs 59-60, and FIG 6, Suzuki discloses the CPU controller 64 which used the time extractor 64C to recognize all the information with reference to time 13 (step S2) and stores it in memory 65. The controller then checks the CPU 64 clock for the transmission time and controls the power supply to FE61 and TD 62 accordingly.

Regarding claims 19, in paragraphs 60-61, and FIG 7 Suzuki discloses the CPU64 confirms the present time is several seconds before the transmission time, and turns

the power supply on to the FE 61, and TD 62, awaiting the data directly to the self IRD 60.

Regarding claim 20, in paragraphs 59-61, and FIG 7, Suzuki discloses The controller then checks the CPU 64 clock for the transmission time and controls the power supply to FE61 and TD 62 accordingly. When CPU 64 confirms the present time is several seconds before the transmission time, and turns the power supply on to the FE 61, and TD 62, awaiting the data directly to the self IRD. In paragraph 61, lines 1-5, FIG 7, label S5, Suzuki inherently monitors the power-up time in that the CPU must monitor the expiration of the predetermined delay in order to receive the future transmission.

Regarding claim 24, in FIG 1 & 6, paragraphs 10 -12, and 55, Suzuki discloses a digital broadcast receiver apparatus consisting of a front end unit, which reads on (the input module) for receiving the transport stream, a transport decoding unit for extracting the transmission schedule information, which reads on (control message). The transmission schedule information which is sent earlier in time than the utilization data itself, includes multiple pieces of information including, the receiver identifier, and the transmission time the utilization data is to be transmitted. Suzuki further discloses a CPU 64, which reads on (the selective activation module) having control means which controls the power supply to the Front end 61, the transport decoder 62 and the AVD 63 according to the preinform table.

It is inherent that the transmission schedule information on the preinform table will only inform of utilization data for a certain period out in the future, and for further information different transmission schedule messages will have to be sent periodically.

Regarding claim 25, this method claims is rejected based on the same reasoning as claim 17 above.

Regarding claim 26, In FIG 1 & 6, paragraphs 10 -12, and 55 Suzuki discloses a digital broadcast transmitter which transmits the transmission schedule information, and a digital broadcast receiver apparatus which consists of a front end unit for receiving the transport stream, a transport decoding unit for extracting the transmission schedule information. The transmission schedule information which is sent earlier in time than the utilization data itself, includes multiple pieces of information including, the receiver identifier, and the transmission time the utilization data is to be transmitted. Suzuki further discloses a CPU 64, which reads on (the selective activation module) having control means which controls the power supply to the Front end 61, the transport decoder 62 and the AVD 63 according to the preinform.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 21 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, (EP 0 975 109 A1), in further view of Nelger et al. (US Pat: 7,383,561 B2).

Regarding claim 21, Suzuki discloses all the limitations of claim 16.

Suzuki does not explicitly discloses " the broadcast receiver comprising a mobile receiver".

In column 5 lines 4-14, and FIG 3, Nelger discloses the receiver 24 comprises a mobile receiver which could be incorporated within the STB 20 within 26 of FIG 3.

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Suzuki, to include a mobile receiver within the main receiver as taught by Nelger, in order to allow the STB to have an extra network connection to receive ECMs for backup purposes.

Regarding claim 23, Suzuki discloses all the limitations of claim 16.

Suzuki does not explicitly discloses " request transmission time information independently of the control message".

In column 6 lines 22-37, Nelger discloses the EMM message being sent via a separate broadcast channel and not as frequently as the ECMs.

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Suzuki, to send the EMM messages on separate broadcast channel and not as frequently as the ECMs as taught by Nelger, in order to have better power consumption management for the receiver.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, (EP 0 975 109 A1), in view of Nelger et al. (US Pat: 7,383,561 B2), in further view of Van Rooyen (US Pat: 7,313,414 B2).

Regarding claim 22, Suzuki in view of Nelger discloses all the limitations of claim 21. Suzuki in view of Nelger does not explicitly discloses " a mobile receiver configured in accordance with Digital Video Broadcast DVB-H specification".

In column 11 lines 46-64, Van Rooyen discloses the a mobile terminal adapted to receive and process DVB-H signals.

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Suzuki in view of Nelger, to include a mobile terminal able to receive and process DVB-H signals as taught by Van Rooyen, in order to allow the STB to have an extra network connection to receive ECMs for backup purposes.

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, (EP 0 975 109 A1), in further view of Nelger et al. (US Pat: 7,383,561 B2).

In FIG 1 & 6, paragraphs 10 -12, and 55 Suzuki discloses a digital broadcast transmitter which transmits the transmission schedule information, and a digital broadcast receiver apparatus which consists of a front end unit for receiving the transport stream, a transport decoding unit for extracting the transmission schedule information. The transmission schedule information which is sent earlier in time than the utilization data itself, includes multiple pieces of information including, the receiver identifier, and the transmission time the utilization data is to be transmitted. Suzuki further discloses a CPU 64, which reads on (the selective activation module) having control means which controls the power supply to the Front end 61, the transport decoder 62 both parts of the receiver, and the AVD 63 according to the preinform. Suzuki teaches a receiver for receiving transmission time information in the future, and use the information to set a time for turning on a receiver to receive the messages at a time that substantially coincides with the future conditional access message transmission time.

Suzuki does not explicitly discloses “a mobile receiver … requesting transmission time information in the future”.

In column 5 lines 4-14, and FIG 3, Nelger discloses the receiver 24 comprises a mobile receiver which reads on (the mobile transceiver) which could be incorporated within the STB 20 within 26 of FIG 3 to provide the ECM message stream. In column 2 lines 23-32, column 5, lines 54-59, Nelger further discloses a method for use in a conditional access system comprising receving a request to transmit a plurality of control messages.

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Suzuki, to incorporate a mobile receiver or mobile transceiver within the main STB receiver to request the control message as taught by Nelger, in order to allow the STB to have an extra network connection to receive ECMs for backup purposes.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, (EP 0 975 109 A1), in further view of Nelger et al. (US Pat: 7,383,561 B2).

Regarding claim 28, Suzuki in view of Nelger discloses all the limitations of claim 27.

Suzuki in view of Nelger does not explicitly discloses “the conditional access messages comprises entitlement messages”.

In FIG 1 and paragraph 39-40, Suzuki further discloses the EMM message being sent within the “preinform table” or the transmission schedule information, which reads on (conditional access messages).

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Suzuki in view of Nelger, to send the transmission schedule information or the “preinform table” which has the EMM messages as taught by Suzuki, in order to have the individual subscription information at hand.

8. Claims 29 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, (EP 0 975 109 A1), in view of Nelger et al. (US Pat: 7,383,561 B2), in further view of Salo et al. (US Pat Pub: 2002/0021809 A1)

Regarding claim 29, Suzuki in view of Nelger discloses all the limitations of claim 27. Suzuki in view of Nelger does not explicitly discloses “the transmission time information is sent in a messaging service format”.

In paragraph 31, Salo discloses the service announcement may be in the form of a special short message service (SMS) message which contains the timing and location information needed by the receiver.

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Suzuki in view of Nelger, to send the service announcement with the timing information in the form of a special short message service message as taught by Salo, in order to backup formats of sending the same information to the receiver.

Regarding claim 30, Suzuki in view of Nelger in further view of Salo discloses all the limitations of claim 29.
Suzuki in view of Nelger does not explicitly discloses “the messaging service format comprises SMS or MMS.

In paragraph 31, Salo discloses the service announcement may be in the form of a special short message service (SMS) message which contains the timing and location information needed by the receiver.

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Suzuki in view of Nelger in further view of Salo, to send the service announcement with the timing information in the form of a special short

message service message such as SMS as taught by Salo, in order to backup formats of sending the same information to the receiver.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, (EP 0 975 109 A1), in further view of Nelger et al. (US Pat: 7,383,561 B2).

Regarding claim 31, in FIG 1 & 6, paragraphs 10 -12, and 55 Suzuki discloses a digital broadcast transmitter which transmits the transmission schedule information, and a digital broadcast receiver apparatus which consists of a front end unit for receiving the transport stream, a transport decoding unit for extracting the transmission schedule information. The transmission schedule information which is sent earlier in time than the utilization data itself, includes multiple pieces of information including, the receiver identifier, and the transmission time the utilization data is to be transmitted. Suzuki further discloses a CPU 64, which reads on (the selective activation module) having control means which controls the power supply to the Front end 61, the transport decoder 62 both parts of the receiver, and the AVD 63 according to the preinform. Suzuki teaches a receiver for receiving transmission time information in the future, and use the information to set a time for turning on a receiver to receive the messages at a time that substantially coincides with the future conditional access message transmission time.

Suzuki does not explicitly discloses “a mobile receiver … requesting transmission time information in the future”.

In column 5 lines 4-14, and FIG 3, Nelger discloses the receiver 24 comprises a mobile receiver which reads on (the mobile transceiver) which could be incorporated within the STB 20 within 26 of FIG 3 to provide the ECM message stream. In column 2 lines 23-32, column 5, lines 54-59Nelger further discloses a method for use in a conditional access system comprising receiving a request to transmit a plurality of control messages.

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Suzuki, to incorporate a mobile receiver or mobile transceiver within the main STB receiver to request the control message to be used for setting the time to turn ON a receiver as taught by Nelger, in order to allow the STB to have an extra network connection to receive ECMs for backup purposes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONG LE whose telephone number is (571)270-7637. The examiner can normally be reached on M-F (8:30 - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Koenig Y. Andrew can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RONG LE
Examiner
Art Unit 2423

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423